

Attorney Docket No. 9374.25USP1

MERCHANT & GOULD P.C.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **SPRAY DISPENSER ASSEMBLY AND VESSEL THEREFOR**

The specification of which

a. ☐ is attached hereto

b. ☒ was filed on _____ as application serial no. _____ and was amended on _____ (if applicable) (in the case of a PCT-filed application) described and claimed in international no. **PCT/982003/003505** filed **12TH AUGUST 2003** and as amended on _____ (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

a. ☐ no such applications have been filed.

b. ☒ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)
60/403,476	August 13, 2002

BEST AVAILABLE COPY

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 C.F.R. 1.27(a)(2)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- a) ☐ the owner of the small business concern identified below:
b) ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Shield Medicare Limited
ADDRESS OF CONCERN: 5 Hurlands Business Park
Hurlands Close
Farnham
GU9 9JE, Surrey
United Kingdom

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. 121 and in 37 C.F.R. 1.27(a)(2), and reproduced in 37 C.F.R. 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled SPRAY DISPENSER ASSEMBLY AND VESSEL THEREFOR by inventor(s) John Richard Salvage described in

- a) ☒ the specification filed herewith.
b) ☐ provisional application serial no. _____, filed _____.
c) ☐ non-provisional application serial no. _____, filed _____.
d) ☐ patent no. _____, issued _____.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a person under 37 C.F.R. 1.27(a)(1) or by any concern which would not qualify as a small business concern under 37 C.F.R. 1.27(a)(2) or a nonprofit organization under 37 C.F.R. 1.27(a)(3).

NAME: _____

ADDRESS: _____

- a) ☐ PERSON b) ☐ SMALL BUSINESS CONCERN c) ☐ NONPROFIT ORGANIZATION

NAME: _____

ADDRESS: _____

- a) ☐ INDIVIDUAL b) ☐ SMALL BUSINESS CONCERN c) ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 C.F.R. 1.27(g)(2)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereof, or any patent to which this verified statement is directed.

NAME: _____

TITLE: _____

ADDRESS: _____

SIGNATURE: _____

Date: _____

* Separate statements should be obtained from each named person, concern, or organization having rights to the invention as to their status as small entities.



I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
- or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

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I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Ali, M. Jeffer	Reg. No. 46,359	Lauer, Deakin T.	Reg. No. 47,892
Altera, Allan G.	Reg. No. 40,274	Leach III, Thomas J.	Reg. No. P-53,188
Anderson, Gregg I.	Reg. No. 28,828	Leonard, Christopher J.	Reg. No. 41,940
Batzli, Brian H.	Reg. No. 32,960	Lewis, George C.	Reg. No. 53,214
Beard, John L.	Reg. No. 27,612	Liepa, Mara E.	Reg. No. 40,066
Berns, John M.	Reg. No. 43,496	McDonald, Daniel W.	Reg. No. 32,044
Blackburn, Murrell W.	Reg. No. 50,881	McIntyre, Jr., William F.	Reg. No. 44,921
Bortolotti, Rebecca	Reg. No. 51,488	Mueller, Douglas P.	Reg. No. 30,300
Branch, John W.	Reg. No. 41,633	Nelson, Anna M.	Reg. No. 48,935
Brown, Jeffrey C.	Reg. No. 41,643	Parsons, Nancy J.	Reg. No. 40,364
Bruess, Steven C.	Reg. No. 34,130	Pauly, Daniel M.	Reg. No. 40,123
Burke, John E.	Reg. No. 35,836	Peterson, Kyle T.	Reg. No. 46,989
Byrne, Linda M.	Reg. No. 32,404	Phillips, John B.	Reg. No. 37,206
Campbell, Keith	Reg. No. 46,597	Pino, Mark J.	Reg. No. 43,858
Clifford, John A.	Reg. No. 30,247	Qualey, Terry	Reg. No. 25,148
Cook, Jeffrey	Reg. No. 48,649	Randall, Joshua N.	Reg. No. 50,719
Daignault, Ronald A.	Reg. No. 25,968	Reich, John C.	Reg. No. 37,703
Daley, Dennis R.	Reg. No. 34,994	Reiland, Earl D.	Reg. No. 25,767
Daley, William J.	Reg. No. 52,471	Roath, Paul D.	Reg. No. 45,045
Daulton, Julie R.	Reg. No. 36,414	Schmaltz, David G.	Reg. No. 39,828
DeVries Smith, Katherine M.	Reg. No. 42,157	Schuman, Mark D.	Reg. No. 31,197
DiPietro, Mark J.	Reg. No. 28,707	Schumann, Michael D.	Reg. No. 30,422
Doscotch, Matthew A.	Reg. No. 48,957	Scull, Timothy B.	Reg. No. 42,137
Edell, Robert T.	Reg. No. 20,187	Sebald, Gregory A.	Reg. No. 33,280
Epp Ryan, Sandra	Reg. No. 39,667	Skoog, Mark T.	Reg. No. 40,178
Fitzsimmons, Karen A.	Reg. No. 50,470	Sorge, Keith M.	Reg. No. 50,865
Gadiano, Christina M.	Reg. No. 37,628	Stewart, Alan R.	Reg. No. 47,974
Gaffney, Matthew M.	Reg. No. 46,717	Stoll-DeBell, Kirstin L.	Reg. No. 43,164
Goggin, Matthew J.	Reg. No. 44,125	Sullivan, Timothy	Reg. No. 47,981
Golla, Charles E.	Reg. No. 26,896	Swenson, Erik G.	Reg. No. 45,147
Gorman, Alan G.	Reg. No. 38,472	Tellekson, David K.	Reg. No. 32,314
Gotfredson, Garen J.	Reg. No. 44,722	Trembath, Jon R.	Reg. No. 38,344
Gould, John D.	Reg. No. 18,223	Tunheim, Marcia A.	Reg. No. 42,189
Gregson, Richard	Reg. No. 41,804	Underhill, Albert L.	Reg. No. 27,403
Gresens, John J.	Reg. No. 33,112	Vidovich, Kristin K.	Reg. No. 41,448
Haack, John L.	Reg. No. 36,154	Wahl, John R.	Reg. No. 33,044
Hamre, Curtis B.	Reg. No. 29,165	Welter, Paul A.	Reg. No. 20,890
Hennings, Mark	Reg. No. 48,982	Whitaker, John E.	Reg. No. 42,222
Hertzberg, Brett A.	Reg. No. 42,660	Wiegand, Jamie	Reg. No. 52,361
Hillson, Randall A.	Reg. No. 31,838	Wier, David D.	Reg. No. 48,229
Hope, Leonard J.	Reg. No. 44,774	Williams, Douglas J.	Reg. No. 27,054
Hornsby, III, Alton	Reg. No. 47,299	Withers, James D.	Reg. No. 40,376
Jacobson, Charles A.	Reg. No. 53,061	Wong, Bryan A.	Reg. No. 50,836
Johns, Nicholas P.	Reg. No. 48,995	Wong, Thomas S.	Reg. No. 48,577
Johnston, Scott W.	Reg. No. 39,721	Xia, Tim Tingkan	Reg. No. 45,242
Kalinsky, Robert A.	Reg. No. 50,471	Zeuli, Anthony R.	Reg. No. 45,255
Kelly, Zachary J.	Reg. No. 53,108		
Kettelberger, Denise	Reg. No. 33,924		
Keys, Jeramie J.	Reg. No. 42,724		
Knearl, Homer L.	Reg. No. 21,197		
Korver, Joshua W.	Reg. No. 51,894		
Kowalchyk, Alan W.	Reg. No. 31,535		
Kowalchyk, Katherine M.	Reg. No. 36,848		
Lamberty, Michael	Reg. No. 50,760		
Larson, James A.	Reg. No. 40,443		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys.
Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1	Full Name Of Inventor	Family Name SALVAGE	First Given Name John	Second Given Name Richard
0	Residence & Citizenship	City Surrey	State or Foreign Country United Kingdom <i>GBN</i>	Country of Citizenship United Kingdom
1	Mailing Address	Address Canford House, Westfield Lane, Wrecclesham, Farnham	City Surrey	State & Zip Code/Country GU9 9JE/ United Kingdom
Signature of Inventor 201: <i>X</i> <i>JR Salvage</i>			Date: <i>X</i> <i>13/10/03</i>	

S/N Unknown

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

10/524255

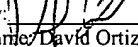
DTOT Rec'd PCT/PTC 10 FEB 2005

Applicant: John SALVAGE Examiner: Unknown
Serial No.: Unknown Group Art Unit: Unknown
Filed: February 10, 2005 Docket No.: 09374.0037USWO
Title: SPRAY DISPENSER ASSEMBLY AND VESSEL THEREFOR

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 495847727 US
Date of Deposit: February 10, 2005

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: 
Name: David Ortiz

COMMUNICATION UNDER 37 C.F.R. §1.32(c)(3)

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

Pursuant to 37 C.F.R. §1.32 (c)(3) please appoint the following 10 practitioners named in the Power of Attorney to be recognized by the U.S. Patent Office as being of record in the above-identified application:

Brian H. Batzli (32,960)
John A. Clifford (30,247)
John J. Gresens (33,112)
Curtis B. Hamre (29,165)
Robert A. Kalinsky (50,471)

James A. Larson (40,443)
Douglas P. Mueller (30,300)
Joshua N. Randall (50,719)
Michael D. Schumann (30,422)
Gregory A. Sebald (33,280)

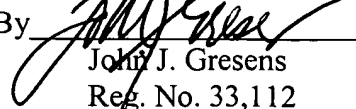
The undersigned was named on the Power of Attorney.

Respectfully submitted,



MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
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Dated: February 10, 2005

By: 
John J. Gresens
Reg. No. 33,112

JJG/ncb